

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06CV32-MU-02

STEVEN WAYNE BELL,)
 Plaintiff,)
)
 v.)
)
BOYD BENNETT, Director of))
 North Carolina Prisons;))
THEODIS BECK, Secretary))
 of the North Carolina))
 Department of Correc-))
 tions;))
WILLARD JOBE, Superinten-))
 dent of Avery-Mitchell))
 Correctional Institu-))
 tion ("AMCI" hereafter)))
K. TAYLOR, Correctional))
 Officer at AMCI; and))
P. TAYLOR, Lieutenant at))
 AMCI,))
 Defendants.))
_____))

O R D E R

THIS MATTER comes before the Court on the plaintiff's civil rights Complaint under 42 U.S.C. §1983, filed February 9, 2006.

By his Complaint, the plaintiff sets forth a disturbing factual scenario for this Court's review. In sum, the plaintiff alleges that in November 2004, he was physically and sexually assaulted, and then threatened with death by defendant K. Taylor. The plaintiff alleges that he submitted a grievance concerning those matters to defendant Jobe, but Jobe took almost two weeks

to obtain a medical examination for the plaintiff, and then Jobe allowed defendant K. Taylor to resign without having to answer for his offenses. The plaintiff further alleges that he wrote and advised defendants Bennett and Beck of those matters, but they did not believe him. Therefore, these two defendants reportedly took no action on the plaintiff's complaints. Last, the plaintiff alleges that prior to the time that the foregoing assaults took place, defendant P. Taylor took away his federal transcript, thereby preventing him from somehow securing his release from custody. Presumably, the plaintiff believes that had he secured his release, he would not have been at the mercy of defendant K. Taylor on the occasion in question.

While it is far from clear to this Court whether the plaintiff will be able to prove his claims, it does appear that he has alleged matters which are sufficient to withstand the Court's initial review for frivolity. Consequently, the defendants will be required to respond to these allegations as provided under the Federal Rules of Civil Procedure.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Clerk shall prepare and issue process in this matter, and shall deliver the same to the U.S. Marshal.
2. The U.S. Marshal shall serve the defendants with process.
3. The defendants shall respond to the plaintiff's

allegations as set forth in his Complaint in accordance with the Federal Rules of Civil Procedure.

SO ORDERED.

Signed: February 28, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

